

96-1049 Fuller v. Neal

Attachment not available electronically.

UNITED STATES COURT OF APPEALS

Filed 12/19/96

TENTH CIRCUIT

STEVEN MICHAEL TULLER,

Plaintiff-Appellant,

v.

DONICE NEAL, and Capt. John Doe; GARY
WATKINS, Major; KIM THOMPSON, Captain
and Lt. John Doe; JOHN HADLEY, Major; LT.
MCFEE; FRANK CARLTON, Lt.; BILL
ESPANOSA, Sgt.; ALBERT MARTINEZ;
FRAZZINO; ARISTEDES ZAVARAS,

Defendants-Appellees.

No. 96-1049
(D.C. No. 95-S-2396)
(D. Colorado)

ORDER AND JUDGMENT*

Before **BRORBY**, **EBEL** and **HENRY**, Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The case is therefore

* This order and judgment is not binding precedent except under the doctrines of law of the case, *res judicata* and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

ordered submitted without oral argument.

Mr. Tuller is a state inmate and pro se litigant. Mr. Tuller filed a civil rights complaint against various prison officials. The district court dismissed the complaint as legally frivolous pursuant to 28 U.S.C. §1915(d). We agree with the district court and dismiss the appeal.¹

We attach a copy of the district court's eight-page order of dismissal. Mr. Tuller appeals this decision and fails to persuade us of any error made by the district court. The district court's order is legally correct and supported by the record.

The appeal is **DISMISSED** as it is legally frivolous for substantially the same reasons set forth in the district court's order.

Entered for the Court:

WADE BRORBY
United States Circuit Judge

¹ The district court's judgment was entered January 4, 1996; the Notice of Appeal was filed February 2, 1996.